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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,754	11/21/2001	Darcy J. McCulloch	049681-5003	9659

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT PAPER NUMBER

2165

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/989,754	<b>Applicant(s)</b> MCCULLOCH, DARCY J.	
	<b>Examiner</b> Neveen Abel-Jalil	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

## DETAILED ACTION

### Remarks

1. The Request for Reconsideration filed on June 17, 2004 has been received and entered.  
Claims 1-37 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-5, 7-24, 26, and 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Musgrove et al. (U.S. Patent No. 6,535,880 B1).

As to claim 1, Musgrove et al. discloses a computer-aided method for tracking and storing network-based transactional data, the method comprising:

- (a) identifying each user by a user identifier (See column 6, lines 30-44);
- (b) storing the user identifiers in a first database (See column 6, lines 30-67);
- (c) associating a transaction identifier with a transaction between at least two users having user identifiers (See column 11, lines 1-34);
- (d) storing the transaction identifier, the user identifiers of the at least two users involved in the transaction, and transactional data in a second database (See column 6, lines 1-44);

(e) providing at least some of the transactional data to the at least two users of the transaction; and

(f) updating the transactional data.

As to claims 3, and 26, Musgrove et al. discloses wherein the user includes a primary user having one or more sub-users (See column 6, lines 30-67).

As to claim 4, Musgrove et al. discloses wherein storing the user identifiers in the first database further comprises storing one or more user identity information in the first database (See column 6, lines 30-67).

As to claim 5, Musgrove et al. discloses wherein the user identifiers and the one or more identity information are stored in the same database record (See column 6, lines 30-67).

As to claim 7, Musgrove et al. discloses comprising providing the transaction identifier to the users involved in the transaction (See column 6, lines 30-44).

As to claim 8, Musgrove et al. discloses comprising associating at least one surrogate identifier with the transaction identifier and providing the at least one surrogate identifier to the at least two users involved in the transaction (See column 7, lines 21-67, wherein “one surrogate transaction identifier” reads on “second cookie”).

As to claim 9, Musgrove et al. discloses wherein the transaction between the at least two users is distinct (See column 5, lines 64-67, and see column 6, lines 1-44).

As to claims 10, and 12, Musgrove et al. discloses wherein the transaction between the at least two users includes transactions having one or more stages (See column 7, lines 20).

As to claim 11, Musgrove et al. discloses wherein the transaction between the at least two users is conducted in a network environment (See column 9, lines 1-41).

As to claim 13, Musgrove et al. discloses wherein the transactional data includes information about the status of the transaction (See page 7, lines 1-41).

As to claim 14, Musgrove et al. discloses wherein storing the transaction identifier, the user identifiers of the users involved in the transaction, and transactional data in the second database includes creating a transaction record in the second database and formatting the transaction record according to the characteristics of the transaction (See column 7, lines 1-41).

As to claims 15, and 30, Musgrove et al. discloses wherein the characteristics of the transaction include anticipated stages of the transaction (See column 7, lines 1-6).

As to claim 16, Musgrove et al. discloses wherein providing at least some of the transactional data to the at least two users involved in the transaction includes providing the

users access to the transactional data in a network environment (See column 7, lines 1-41).

As to claim 17, Musgrove et al. discloses wherein providing the transactional data in the network environment includes enabling the users to access the transactional data at a Web site (See column 8, lines 16-29).

As to claim 18, Musgrove et al. discloses wherein providing at least some of the transactional data to the at least two users involved in the transaction includes providing the transaction identifier to the users and enabling the users to access at least some of the transactional data using the transaction identifier (See column 6, lines 1-29).

As to claim 19, Musgrove et al. discloses wherein enabling the users to access at least some of the transactional data using the transaction identifier includes enabling the users to access the transactional data in a network environment (See column 6, lines 1-44).

As to claim 20, Musgrove et al. discloses wherein providing at least some of the transactional data to the at least two users involved in the transaction includes associating at least one surrogate identifier with the transaction identifier and providing the at least one surrogate identifier to the users, and enabling the users to access at least some of the transactional data using the at least one surrogate transaction identifier (See column 7, lines 21-67, and see column 8, lines 1-29, wherein “one surrogate transaction identifier” reads on “second cookie”).

As to claim 21, Musgrove et al. discloses wherein enabling the at least two users involved in the transaction to access at least some of the transactional data using the at least one surrogate transaction identifier includes enabling the users to access the transactional data in a network environment (See column 7, lines 21-67, wherein “one surrogate transaction identifier” reads on “second cookie”).

As to claim 22, Musgrove et al. discloses wherein updating the transactional data includes updating the transactional data during the course of the transaction (See column 7, lines 1-41).

As to claim 23, Musgrove et al. discloses wherein updating the transactional data includes storing additional transactional data and changing current transactional data, whereby previously written data is retained (See column 6, lines 45-67).

As to claim 24, Musgrove et al. discloses a computer-aided transaction processing system for documenting transactions conducted in a network environment, the system comprising:

a first database for storing a user identifier and identity information for at least two users (See column 6, lines 30-44);

an information processing system for managing a transaction between the at least two users, wherein a transaction identifier is associated with the transaction (See column 6, lines 1-44); and

a second database for storing a database record, wherein the database record contains the transaction identifier, user identifiers of the at least two users involved in the transaction, and corresponding transactional data (See column 6, lines 1-44).

As to claim 28, Musgrove et al. discloses wherein the transactional data includes data from one or more stages of the transaction (See column 7, lines 1-67).

As to claim 29, Musgrove et al. discloses wherein the database record in the second database is formatted according to the characteristics of the transaction (See column 7, lines 21-51).

As to claim 31, Musgrove et al. discloses wherein the database record is updated during the course of the transaction (See column 7, lines 1-20).

As to claim 32, Musgrove et al. discloses wherein the database record is updated by storing additional transactional data, changing transactional data, and voiding transactional data (See column 6, lines 45-67).

As to claim 33, Musgrove et al. discloses wherein the at least two users are provided access to at least some of the transactional data stored in the database record (See column 3, lines 40-67, and see column 4, lines 1-6).



*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 6, 25, 27, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrove et al. (U.S. Patent No. 6,535,880 B1) in view of Hillegass et al. (U.S. Pub. No. 2002/0007351 A1).

As to claims 2, and 25, Musgrove et al. does not teach wherein each user identifier is unique.

Hillegass et al. teaches wherein each user identifier is unique (See Hillegass et al. page 6, paragraphs 0070).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Musgrove et al. to include wherein each user identifier is unique.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Musgrove et al. by the teaching of Hillegass et al. to include wherein each user identifier is unique because

As to claims 6, and 27, Musgrove et al. does not teach wherein each transaction identifier is unique.

Hillegass et al. teaches wherein each transaction identifier is unique (See Hillegass et al. page 3, paragraphs 0035-0037).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Musgrove et al. to include wherein the transaction is identified by a unique transaction identifier.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Musgrove et al. by the teaching of Hillegass et al. to include wherein the transaction is identified by a unique transaction identifier because it provides for efficient means to track, store, and collect associated transaction information accurately.

As to claims 34, and 36, Musgrove et al. discloses a computer program product comprising computer readable program code for documenting transactions conducted in a network environment (See column 8, lines 1-15), comprising:

computer readable program code means for storing a user identifier and identity information for at least two users (See column 6, lines 30-67);

computer readable program code means for managing transactional data associated with a transaction between the at least two users (See column 7, lines 1-20);

computer readable program code means for storing the transaction identifier, user identifiers of the at least two users involved in the transaction, and corresponding transactional data (See column 6, lines 30-67); and

computer readable program code means for enabling users involved in the transaction to access at least some of the transactional data (See column 7, lines 52-67, and see column 8, lines 1-15).

Musgrove et al. does not teach wherein the transaction is identified by a unique transaction identifier.

Hillegass et al. teaches wherein the transaction is identified by a unique transaction identifier (See Hillegass et al. page 3, paragraphs 0035-0037).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Musgrove et al. to include wherein the transaction is identified by a unique transaction identifier.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Musgrove et al. by the teaching of Hillegass et al. to include wherein the transaction is identified by a unique transaction identifier because it provides for efficient means to track, store, and collect associated transaction information accurately.

As to claims 35, and 37, Musgrove et al. as modified discloses wherein the computer readable program code means for managing transactional data associated with the transaction between the at least two users includes computer readable program code means for updating the transactional data (See abstract, also see column 8, lines 1-15).

*Response to Arguments*

6. Applicant's arguments filed on June 17, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument on pages 6, and 7-8 that "Musgrove does not provide any disclosure relating to the identification of each user by a "user identifier," or storing such "user identifiers" in first database" is acknowledged but is not deemed to be persuasive.

The Examiner respectfully points to Musgrove column 5, lines 1-46, also see Musgrove column 6, lines 30-55, wherein the reference teaches the database is storing user ID and matching them up with merchants in a transaction (merchant are too users of the system and are able to register and store user ID). The Examiner also contends that each server or device on the Internet has a unique ID that is associated with it, as well as the fact that each product SKU is unique to a product and to a manufacturer/merchant of that product (See Musgrove column 7, lines 1-6).

In response to applicant's argument on pages 6, and 7-8 that "Musgrove does not provide transactional data that has been stored in a second database to each of the users" or "Musgrove does not provide transactional to any of the merchant servers" is acknowledged but is not deemed to be persuasive.

The Examiner respectfully points to Musgrove column 3, lines 12-19, prior art, as well as Musgrove column 7, lines 53-67, wherein real-time information processing during the

transaction is being delivered between the shopper and the merchant. The second database is read on the shopper database.

In response to applicant's argument on pages 7, and 9 that "Musgrove does not disclose a first database for storing a user identifier and identify information for at least two users" is acknowledged but is not deemed to be persuasive.

A session ID binds two users together each user of the session is identified by a user identifier in the case of Musgrove reference the merchant and the shopper (See Musgrove column 5, lines 64-67, and see Musgrove column 6, lines 1-44). Musgrove even distinctly states that shopper database stores merchant account information (such as a user name and user id for the shopper at each particular merchant see column 6, lines 30-49. Each user or merchant is uniquely identified and are bound together via a shopping transaction.

### ***Conclusion***

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil  
November 18, 2004

  
SAM RIMELL  
PRIMARY EXAMINER